

Response and Amendment
In U.S. 09/990686

Response to Objections to the Specification and Drawings made in paragraphs numbered 3 and 4 of the Office Action

With regard to the objection made regarding inconsistencies between the Figures and the description of the Figures, Applicant has amended the description of the Figures in the specification to clarify that the Figures provided are photographs as correctly pointed out by the Examiner. Applicant submits that the amendments to the specification abrogate drawing corrections. Thus, corrected drawings are not required to avoid abandonment of the present patent application.

A second set of color photographs is included with this response.

Response to Objections to the Description made In paragraphs numbered 5 and 6

With regard to the objection to the Abstract made in paragraph number 5 of the Office Action, Applicant hereby amends the Abstract in this Response. Applicant submits that the new amended Abstract is in proper form.

With regard to the objection to the disclosure made in paragraph number 6 subpart (1) of the Office Action, Applicant hereby amends Claim 21 to remove inconsistencies between Claim 21 and the definition of a personal care product as provided in the present patent application. With regard to the objection to the disclosure made in paragraph number 6 subpart (2), Applicant amended the descriptions of the Figures to clarify the inconsistencies pointed out by the Examiner. With regard to the objection to the disclosure made in paragraph number 6 subpart (3), Applicant amended the first full paragraph on page 9 to provide the missing information.

Response to Objections to the Claims made in paragraph numbered 7

Applicant respectfully submits that Applicant has amended the claims in this Response to remove the informalities pointed out by the Examiner.

Response to 35 U.S.C. § 112 rejections made in paragraph numbered 8

Applicant hereby amended the claims to remove the informalities pointed out by the Examiner.

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Response to Rejections under 35 U.S.C. § 102(b) made in paragraphs numbered 11, 12 and 13

Claims 12-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent no. 5,762,642 to Coles et al. (hereinafter Coles). Independent Claim 12 and dependent Claims 13-21 as amended relate to absorbent articles that comprise a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters. Coles does not disclose a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters.

Claims 12-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent no. 5,431,643 to Ouellette et al. (hereinafter Ouellette). Independent Claim 12 and dependent Claims 13-22 as amended relate to absorbent articles that comprise a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters. Ouellette does not disclose a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters.

Claims 12 and 14-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent no. 5,782,787 to Webster (hereinafter Webster). Independent Claim 12 and dependent Claims 14-23 as amended relate to absorbent articles that comprise a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters. Webster does not disclose a substrate including droplets applied to the substrate so as to produce a substrate having topographical characteristics wherein the droplets are at least in part, a phase-change liquid and have a volume in the range of from about 5 nanoliters to about 400 nanoliters.

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Response to Rejection under 35 U.S.C. § 102(e) made in paragraphs numbered 14

Claims 12-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication no. US 2002/0087129 A1 to Di Luccio et al. (hereinafter Di Luccio). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims. Applicant respectfully contends that the Di Luccio reference is not a proper reference for use under 35 U.S.C. § 102(e) in that the present patent application and Di Luccio were both filed on November 16, 2001. Thus, Applicant contends that the rejection under 35 U.S.C. § 102(e) is improper and should be removed.

Response to provisional double-patenting rejections made in paragraphs numbered 16 and 17

In the Office Action mailed October 8, 2003, Claims 12-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 14-22 of copending Application No. 09/990,697 and Claims 19-21, 24, 26-29 and 33 of copending Application No. 09/991,185. The rejections are respectfully **traversed** to the extent that they may apply to the present claims.

Applicant notes the Examiner's provisional rejection, but submit the rejections are premature as both the present application and each of the copending applications are still in prosecution. If at the time the claims of the present invention are ready for issuance, the Examiner's rejection is made non-provisional, then Applicant will consider terminal disclaimers; however, as above, until that time the Examiner's rejections are considered premature.

Common ownership of the present invention and patent application and the inventions of Application Nos. 09/990,697 and 09/991,185

Applicant submits that the inventions of the present patent application and of copending Application Nos. 09/990,697 and 09/991,185 were commonly owned at the time of the invention.

Conclusion

For at least the reasons, stated about it is respectfully submitted that all of the currently pending claims are in form for allowance. Accordingly, Applicants respectfully request the Examiner to withdraw the pending rejections and promptly issue a Notice of


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Allowance. Should any questions arise with regard to this application the Examiner is encouraged to contact the undersigned at (770)-587-8620.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.


The undersigned may be reached at: (770) 587-8620.

Respectfully submitted,
JAMESON ET AL.

By: 
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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Christos S. Kyriakou, hereby certify that on April 8, 2004 this document is being transmitted to the Commissioner for Patents via the U.S. Patent and Trademark Office's centralized facsimile number (703) 872-9306.

By: 
Christos S. Kyriakou